

## REMARKS

### Office action summary

Claims 1-30 are pending in the present application. Claims 1, 8, 12, 17, 24, and 28-30 are presently amended. No claims are presently cancelled or added. The following rejections were made in the office action of June 24, 2009 ("Office Action"):

- Claims 1-3, 7-8, 11-12, 16-19, 24, and 27-30 were rejected under 35 USC § 103(a) as being unpatentable over Shimizu, US Patent 5,049,911 ("Shimizu"), in view of Pizzuti, US Patent 4,395,102 ("Pizzuti").
- Claims 4-5, 9-10, 13-15, 20-23, and 25-26 were rejected under 35 USC § 103(a) as being unpatentable over Shimizu in view of Pizzuti, and further in view of Farrington, US Patent 4,941,011 ("Farrington").
- Claim 6 was rejected under 35 USC § 103(a) as being unpatentable over Shimizu in view of Pizzuti, and further in view of Omura, US Patent 5,943,515 ("Omura").

The present amendments are filed together with a request for continued examination. The amendments and rejections are discussed below. The examiner is respectfully urged to reconsider the application and withdraw the rejections. Should the examiner have any questions or concerns that might be efficiently resolved by way of a telephonic interview, the examiner is invited to call applicants' undersigned attorney, Jon M. Isaacson, at **206-332-1102**.

### Rejections under 35 USC § 103(a)

#### *Claims 1, 17, and 29*

Claim 1 stands rejected under 35 USC § 103(a) as being unpatentable over Shimizu in view of Pizzuti. Without conceding the propriety of the rejection of claim 1, applicants presently amend claim 1. In general, claim 1 is directed to an electronic camera which comprises an electronic image capture device, a photocell, a scanning aperture shutter unit, and an exposure control system. As amended, claim 1 recites, in part, that "said exposure control system is adapted to control said scanning aperture shutter and a flash unit in response to sensed light energy at said photocell *so that said electronic image capture device receives a*

*predetermined ratio of variable fill flash energy to ambient light energy during image capture.*” (Emphasis added on present amendments.) Thus, as amended, claim 1 recites that the control system controls the scanning aperture shutter and the flash unit so that the image capture device receives a predetermined ration of variable fill flash energy to ambient light energy. Applicants are unable to discern any teaching or suggestion of a predetermined ratio of variable fill flash energy to ambient light energy in the cited portions of Shimizu and Pizzuti. Further, applicants are unable to discern any teaching or suggestion to control a scanning aperture shutter and a flash unit based on such a predetermined ratio. For at least these reasons, applicants submit that claim 1 is patentably defined over the cited art. Accordingly, applicants request withdrawal of the rejection of claim 1 under 35 USC § 103(a).

Claims 17 and 29 are presently amended such that they contain recitations similar to those recitations of claim 1 discussed above. For at least the reasons discussed above regarding the patentability of claim 1, applicants submit that claims 17 and 29 are patentably defined over the cited art. Accordingly, applicants respectfully request withdrawal of the rejection of claims 17 and 29 under 35 USC § 103(a).

*Claims 8, 24, and 30*

Claim 8 stands rejected under 35 USC § 103(a) as being unpatentable over Shimizu in view of Pizzuti. Without conceding the propriety of the rejection of claim 8, applicants presently amend claim 8. In general, claim 1 is directed to an electronic camera which comprises a flash unit, a photocell unit, and an exposure control system. As amended, claim 8 recites, in part, that “said exposure control system is adapted to control an amount of fill flash energy received from said image scene in relation to visible ambient light energy received from said image scene during image capture by *varying an aperture size of said scanning aperture shutter and controlling said flash unit so that said electronic image capture device receives a predetermined ratio of variable fill flash energy to ambient light energy during image capture.*” (Emphasis added on present amendments.) Thus, as amended, claim 8 recites varying the aperture size of the scanning aperture shutter and controlling the flash unit so that the image capture device receives a predetermined ratio of variable fill flash energy to ambient light energy during image capture. Similar to the discussion above with respect to claim 1, the cited portions of the cited art fail to teach or suggest the predetermined ratio recited in

claim 8. Further, applicants submit that the cited portions of the cited art fail to teach or suggest varying the aperture size of the scanning aperture shutter and controlling the flash unit based on the predetermined ratio. For at least these reasons, applicants submit that claim 8 is patentably defined over the cited art. Accordingly, applicants request withdrawal of the rejection of claim 8 under 35 USC § 103(a).

Claims 24 and 30 are presently amended such that they contain recitations similar to those recitations of claim 8 discussed above. For at least the reasons discussed above regarding the patentability of claim 8, applicants submit that claims 24 and 30 are patentably defined over the cited art. Accordingly, applicants respectfully request withdrawal of the rejection of claims 24 and 30 under 35 USC § 103(a).

*Claims 12 and 28*

Claim 12 stands rejected under 35 USC § 103(a) as being unpatentable over Shimizu in view of Pizzuti. Without conceding the propriety of the rejection of claim 12, applicants presently amend claim 12. In general, claim 12 is directed to a method for electronic image capture by using a scanning aperture shutter to control light energy received by an image capture device and sensing visible ambient light energy and infrared energy received. As amended, claim 8 recites, in part, “controlling said scanning aperture shutter and a flash unit during image capture in response to said sensing *in order to attain a predetermined ratio of variable fill flash energy to ambient light energy that is received by said electronic image capture device during image capture.*” (Emphasis added on present amendments.) Thus, as amended, claim 12 recites that controlling the scanning aperture shutter and flash unit is done in order to attain a predetermined ratio of variable fill flash energy to ambient light energy that is received by said electronic image capture device. Similar to the discussion above with respect to claim 1, the cited portions of the cited art fail to teach or suggest the predetermined ratio recited in claim 12. Further, applicants submit that the cited portions of the cited art fail to teach or suggest controlling said scanning aperture shutter and a flash unit during image capture based on the predetermined ratio. For at least these reasons, applicants submit that claim 12 is patentably defined over the cited art. Accordingly, applicants request withdrawal of the rejection of claim 12 under 35 USC § 103(a).

Claim 28 is presently amended such that it contains recitations similar to those recitations of claim 12 discussed above. For at least the reasons discussed above regarding the patentability of claim 12, applicants submit that claim 28 is patentably defined over the cited art. Accordingly, applicants respectfully request withdrawal of the rejection of claim 28 under 35 USC § 103(a).

*Claims 2-7, 9-11, 13-16, 18-23, and 25-27*

Claims 2-7, 9-11, 13-16, 18-23, and 25-27 depend, directly or indirectly, from claims 1, 8, 12, 17, and 24. Inasmuch as claims 2-7, 9-11, 13-16, 18-23, and 25-27 depend from independent claims which are patentably defined over the cited art, applicants submit that claims 2-7, 9-11, 13-16, 18-23, and 25-27 are patentably defined over the cited art. Accordingly, applicants respectfully request withdrawal of the rejection of claims 2-7, 9-11, 13-16, 18-23, and 25-27 under 35 USC § 103(a).

Conclusion

Applicants believe that the present remarks are responsive to each of the points raised by the examiner in the Office Action, and submit that claims 1-30 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the examiner's earliest convenience is earnestly solicited.

Date: September 24, 2009

/Jon M. Isaacson/  
Jon M. Isaacson  
Registration No. 60,436

Woodcock Washburn LLP  
Cira Centre  
2929 Arch Street, 12th Floor  
Philadelphia, PA 19104-2891  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439